

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
222 WEST SEVENTH AVENUE, #13
ANCHORAGE, ALASKA 99513-7599

INTERIM CONVEYANCE

WHEREAS

Toghotthele Corporation

is entitled to a conveyance pursuant to Secs. 14(a) and 22(j), of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(a), 1621(j) (1988), of the surface estate in the following-described lands:

That portion of U.S. Survey No. 1138, more particularly described as:

Beginning at Corner No. 5 of U.S. Survey No. 1138, proceed S. $12^{\circ}05'57''$ W., 1347.42 feet to Corner No. 1, a point 100 feet west of the westerly right-of-way of the Alaska Railroad, the true point of beginning, which point lies N. $01^{\circ}35'44''$ W., 114.70 feet from station 8+80.32 of the 10th Street centerline, as measured from the monumented street intersection of 10th Street and A Street; thence along the north right-of-way of the proposed Totchaket Road on a clockwise curve to Corner No. 2, a chord bearing of N. $63^{\circ}13'55''$ W., a chord distance of 603.09 feet, a radius of 1,045.92 feet, an arc distance of 611.78 feet; thence continuing along the proposed northerly right-of-way of the proposed Totchaket Road N. $46^{\circ}28'31''$ W., 505.70 feet to Corner No. 3; thence N. $35^{\circ}54'00''$ E., 901.61 feet to Corner No. 4; thence S. $54^{\circ}06'00''$ E., 436.07 feet to Corner No. 5, a point 100 feet west of the westerly right-of-way of the Alaska Railroad; thence following a curve, paralleling 100 feet west of the westerly right-of-way of the Alaska

Interim Conveyance No. **1576**

F-14903-A

Railroad to Corner No. 6, a chord bearing of S. 02°20'47" E., a chord distance of 155.52 feet, and a radius of 3,381.09 feet, an arc distance of 155.53 feet; thence S. 01°01'43" E., 939.29 feet, paralleling 100 feet west of the westerly right-of-way of the Alaska Railroad, to Corner No. 1 the true point of beginning.

Containing approximately 17.18 acres.

Fairbanks Meridian, Alaska

T. 4 S., R. 8 W., (surveyed)

Sec. 1, S½, excluding lands to be retained within ANCSA Sec. 3(e) determination F-80344;

Sec. 10, lots 8 and 9, excluding U.S. Survey No. 10793 (50-93- 0174), and Native allotment applications F-14228 and F-14229;

Sec. 12, N½, excluding lands to be retained within ANCSA Sec. 3(e) determination F-80344;

Sec. 14, lots 1, 2, and 5, excluding Lot 8, U.S. Survey No. 9061 (Alaska Railroad right-of-way);

Sec. 24, lot 1, excluding Native allotment application F-0435, Parcel B;

Sec. 26, SW¼SE¼, excluding Lot 4, U.S. Survey No. 9061 (Alaska Railroad right-of-way).

Containing approximately 720 acres.

Aggregating approximately 737 acres.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES OF AMERICA, unto the above-named corporation the surface estate in the lands above described; TO HAVE AND TO HOLD the said estate with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said corporation, its successors and assigns, forever.

Interim Conveyance No. _____

1576

EXCEPTING AND RESERVING TO THE UNITED STATES from the lands so granted:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(f); and
2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1616(b), the following public easements, referenced by easement identification number (EIN) on the easement map, a copy of which can be found in the Bureau of Land Management's Public Land Records, are reserved to the United States. All easements are subject to applicable Federal, State, or municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

60 Foot Road - The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, automobiles, and trucks.

Utility Easement - The uses allowed for an aerial and underground powerline are those associated with the construction, operation, and maintenance of a powerline.

- a. (EIN 30a, C5) An easement sixty (60) feet in width for an existing road from the Nenana Air Navigation Site (VORTAC) in Sec. 1, T. 4 S., R. 8 W., Fairbanks Meridian, southerly, through Secs. 11 and 12. The uses allowed are listed above for a sixty (60) foot wide road easement.

1576

Interim Conveyance No. _____

- b. (EIN 31, C5) An easement thirty (30) feet in width for an existing aerial and underground powerline from the current terminus of EIN 31, C5 through Sec. 12, T. 4 S., R. 8 W., Fairbanks Meridian, northerly to the Nenana Air Navigation Site (VORTAC). The uses allowed are listed above for a utility easement.
- c. (EIN 100, I) An easement restricting use of the lands within a 2,000-foot radius of the Nenana Air Navigation Site (VORTAC) antenna located in the SW¼ of Sec. 1, and NW¼ of Sec. 12, T. 4 S., R. 8 W., Fairbanks Meridian. The uses allowed include uses associated with the construction and maintenance of the VORTAC site, the right to clear and keep lands clear from any obstruction infringing upon or penetrating the airspace and the right to prohibit use on and remove from the lands beneath the airspace any source which would create interference for uses of the VORTAC radio signal.

THE GRANT OF THE ABOVE-DESCRIBED LANDS IS SUBJECT TO:

- 1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official supplemental plat of survey confirming the boundary description and acreage of the lands hereinabove granted;
- 2. Valid existing rights therein, if any, including but not limited to those created by any lease, contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1616(b)(2), any

Interim Conveyance No. 1576

valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. The following third-party interests, if valid, created and identified by the Federal Aviation Administration, as provided by Sec. 14(g) of the Alaska Native Claims Settlement Act of December 18, 1971, within the S½ of Sec. 1, and the N½ of Sec. 12, T. 4 S., R. 8 W., Fairbanks Meridian:
 - a. Lease No. DOT-FA74AL-8045, issued to RCA (Alascom) for a microwave repeater-facility.
 - b. Permit No. DOT-FA75AL-8241, issued to Glacier State Telephone Company of an underground communications cable.
 - c. Permit No. DOT-FA75AL-8489, issued to the State of Alaska for the use of two towers and space in a building.
 - d. Permit No. DTF-A04-82-F-82007, issued to the Alaska Railroad for the use of two towers and a building.
 - e. Permit No. DTF-A04-87-S-87019, issued to Robert Coghill to enable the Nenana Chamber of Commerce to install a television translator.
4. A right-of-way, F-034779, for a transmission line, issued to Golden Valley Electric Association, Inc., located in lot 2, Sec. 14, T. 4 S., R. 8 W., Fairbanks Meridian, and U.S. Survey No. 1138, under the Act of March 4, 1911, as amended, 43 U.S.C. 961;

1576

Interim Conveyance No. _____

5. A right-of-way, F-034891, for highway purposes, issued to the State of Alaska, Department of Highways (now Department of Transportation and Public Facilities), within lots 1 and 2, Sec. 14, T. 4 S., R. 8 W., Fairbanks Meridian, under the Federal Aid Highway Act of November 9, 1921, 23 U.S.C. 317;
6. A right-of-way, F-512, for material site, issued to the State of Alaska, Department of Highways (now Department of Transportation and Public Facilities), within lots 1 and 2, Sec. 14, T. 4 S., R. 8 W., Fairbanks Meridian, under the Act of August 27, 1958, 23 U.S.C. 317;
7. Any interest in the Fairbanks-Nenana Highway (FAP Route No. 37) transferred to the State of Alaska by quitclaim deed dated June 30, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Public Law 86-70, 73 Stat. 141, as to Secs. 10 and 14, T. 4 S., R. 8 W., Fairbanks Meridian, and U.S. Survey No. 1138;
8. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(c), as amended, that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section; and
9. The terms and conditions of the Stipulation and Order in Toghotthele Corporation v. Manuel Lujan, Jr., Civ. No. 89-1763 (D. C. Dist. August 1, 1991), a copy of which can be found in the Bureau of Land Management's Public Land Records.

1576

Interim Conveyance No. _____

F-14903-A

IN WITNESS WHEREOF, the undersigned authorized officer of the Bureau of Land Management has, in the name of the United States, set her hand and caused the seal of the Bureau to be hereunto affixed on this 15th day of December, 1993, in Anchorage, Alaska.

UNITED STATES OF AMERICA

s/ Sharon E. Fleek

Sharon E. Fleek
Chief, Branch of Doyon/Northwest
Adjudication

1576

Interim Conveyance No. _____